



**CITY OF LODI  
COUNCIL COMMUNICATION**

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**AGENDA TITLE:** Set Public Hearing for May 20, 2009 to Extend Interim Ordinance No. 1822, an Uncodified Urgency Interim Ordinance to Establish a Moratorium on the Establishment and Operation of Medical Marijuana Dispensaries.

**MEETING DATE:** May 6, 2009 City Council Meeting

**PREPARED BY:** Deputy City Attorney

**RECOMMENDED ACTION:** Set Public Hearing for May 20, 2009 to Extend Interim Ordinance No. 1822 an Uncodified Urgency Interim Ordinance to Establish a Moratorium on the Establishment and Operation of Medical Marijuana Dispensaries.

**BACKGROUND INFORMATION:** On April 15, 2009 the Council adopted Interim Ordinance No. 1822 establishing a 45-day moratorium on the establishment and operation of medical marijuana dispensaries within the City. The ordinance was adopted in response to the recent inquiries from members of the public about opening medical marijuana dispensaries in the City. In addition, the City's Municipal Code does not address the issue, which given undecided questions over the conflict between California and Federal marijuana laws may (or may not) mean that such dispensaries are a prohibited use within the City of Lodi.

Staff recommends that provisions should be added to the City's Municipal Code that either regulate medical marijuana dispensaries or prohibit such uses if that is the desire of the Council. To do so, however, staff needs adequate time to study the current status of State and Federal law governing the distribution of medical marijuana, to review the City's General Plan and the zoning ordinances, and to make recommendations for the Council's consideration. Unfortunately, it is clear that the initial 45 days will be inadequate to prepare a comprehensive approach for Council consideration.

Government Code Section 65858 provides that the Council, may, after notice to the public pursuant to Government Code Section 65090 and a public hearing, extend Interim Ordinance No. 1822 for a period of 10 months and 15 days. The extension requires a minimum four-fifths (4/5) vote to be adopted. (An additional one-year extension is permissible under Section 65858(a)).

As proposed, the recommended extension of Interim Ordinance No. 1822 would extend the current 45-day moratorium on the issuance of use permits, variances, building permits, business licenses, or any other entitlement for the establishment or operation of medical marijuana dispensaries to April 14, 2010. Without the proposed extension, Interim Ordinance 1822 will be of no further force and effect after May 30, 2009.

**FISCAL IMPACT:** **FUNDING:** None.

  
Janice D. Magdich  
Deputy City Attorney

cc: Rad Bartlam, Community Development Director  
David Main, Police Chief

**APPROVED:**

  
Blair King, City Manager



*Please immediately confirm receipt  
of this fax by calling 333-6702*

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT:** PUBLIC HEARING TO CONSIDER EXTENDING INTERIM ORDINANCE  
NO. 1822, AN UNCODIFIED URGENCY INTERIM ORDINANCE TO  
ESTABLISH A MORATORIUM ON THE ESTABLISHMENT AND  
OPERATION OF MEDICAL MARIJUANA DISPENSARIES

**PUBLISH DATE:** SATURDAY, MAY 9, 2009


**LEGAL AD**

**TEAR SHEETS WANTED:** Three (3) please

**SEND AFFIDAVIT AND BILL TO:** RANDI JOHL, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED:** THURSDAY, MAY 7, 2009

**ORDERED BY:** RANDI JOHL  
CITY CLERK

  
JENNIFER M. PERRIN, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA BECERRA  
ADMINISTRATIVE CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

Faxed to the Sentinel at 369-1084 at 1:30pm (time) on 5/7/09 (date) 2 (pages)  
LNS \_\_\_\_\_ Phoned to confirm receipt of all pages at \_\_\_\_\_ (time) \_\_\_\_\_ CF \_\_\_\_\_ MB \_\_\_\_\_ JMP (initials)



## **DECLARATION OF POSTING**

### **PUBLIC HEARING TO CONSIDER EXTENDING INTERIM ORDINANCE NO. 1822, AN UNCODIFIED URGENCY INTERIM ORDINANCE TO ESTABLISH A MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES**

On Friday, May 8, 2009, in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to consider extending interim Ordinance No. 1822, an uncodified urgency interim ordinance to establish a moratorium on the establishment and operation of medical marijuana dispensaries (attached hereto, marked Exhibit "A") was posted at the following four locations:


Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 8, 2009, at Lodi, California.

ORDERED BY:

**RANDI JOHL**  
**CITY CLERK**

  
JENNIFER M. PERRIN, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA BECERRA  
ADMINISTRATIVE CLERK



# CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: May 20, 2009

Time: 7:00 p.m.

For information regarding this notice please contact:

**Randi Johl**

**City Clerk**

**Telephone: (209) 333-6702**

**EXHIBIT A**

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, May 20, 2009**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following item:

- a) **Extend interim Ordinance No. 1822, an uncodified urgency interim ordinance to establish a moratorium on the establishment and operation of medical marijuana dispensaries.**

Information regarding this item may be obtained in the City Attorney's Office, 221 West Pine Street, Lodi, (209) 333-6701. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2<sup>nd</sup> Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Randi Johl  
City Clerk

**Dated: May 6, 2009**

Approved as to form:

D. Stephen Schwabauer  
City Attorney